



Ordinary Meeting Minutes

30 June 2020

10.00 am

Civic Centre Supper Room,
Bundaberg

Present:

Cr JM Dempsey (Mayor - Chairman), Cr WR Trevor OAM (Deputy Mayor), Cr JP Bartels, Cr WA Honor, Cr TM McPhee, Cr GR Barnes, Cr TM McLoughlin, Cr VJ Habermann OAM, Cr SA Cooper, Cr MBE Mitchell and Cr JD Learmonth

Leave of Absence: Nil

Officers:

Mr SD Johnston, Chief Executive Officer
Mr SJ Randle, General Manager Infrastructure
Mr GJ Steele, General Manager Community & Environment
Mrs AK Pafumi, General Manager Organisational Services
Mr B Artup, Executive Director Strategic Projects and Economic Development
Mr M Ellery, Group Manager Development
Ms K Campbell, Legal Officer
Mrs WE Saunders, Executive Services Co-ordinator
Miss CE Dobbins, Executive Assistant/Researcher

Cr JM Dempsey acknowledged the traditional custodian owners of the land and their Elders past, present and emerging.

The Mayor also acknowledged those Australians who have given the ultimate sacrifice in service to our country.



Minutes

30 June 2020

Item Number: B1	File Number:	Part: Minutes
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Subject:

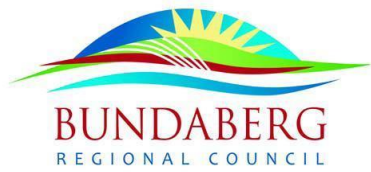
Confirmation of Minutes

Resolution

Cr JM Dempsey moved:-

That the minutes of the Ordinary Meeting of Council held on 26 May 2020 be taken as read and confirmed.

Seconded by Cr TM McPhee - and carried unanimously.



Minutes

30 June 2020

Item Number:	File Number:	Part:
C1		COUNCILLORS

Subject:

Declaration of Conflict/Material Personal Interest - Cr WA Honor

Pursuant to section 175C of the *Local Government Act 2009* Cr WA Honor declared a Material Personal Interest in item T11 of today's agenda as his company – Coachtrail Pty Ltd, of which he is a director - has a current development application which is yet to be completed – and will leave the meeting while the matter is discussed and voted on.



Minutes

30 June 2020

Item Number:

C2

File Number:

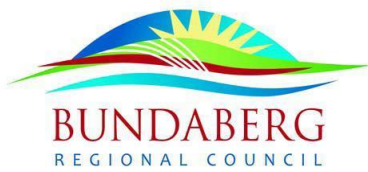
Part:

COUNCILLORS

Subject:

Declaration of Conflict/Material Personal Interest - Cr WA Honor

Pursuant to section 175C of the *Local Government Act 2009* Cr WA Honor declared a Material Personal Interest in item T12 of today's agenda as his company – Coachtrail Pty Ltd, of which he is a director - has a current development application which is yet to be completed – and will leave the meeting while the matter is discussed and voted on.



Minutes

30 June 2020

Item Number:

C3

File Number:

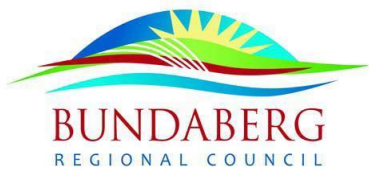
Part:

COUNCILLORS

Subject:

Declaration of Conflict/Material Personal Interest - Cr TM McPhee

Pursuant to section 175E of the *Local Government Act 2009* Cr TM McPhee declared a Real Conflict of Interest in item S1 of today's agenda as her two business entities, Alowishus Delicious and Bert's have financial interests in Bundaberg Tourism – and will leave the meeting while the item is discussed and voted on.



Minutes

30 June 2020

Item Number:

C4

File Number:

Part:

COUNCILLORS

Subject:

Declaration of Conflict/Material Personal Interests - Cr GR Barnes

Pursuant to section 175E of the *Local Government Act 2009* Cr GR Barnes declared a perceived Conflict of Interest in item L2 of today's agenda – as the Applicant (Stockwell Development Group Pty Ltd) gave complimentary access to the concourse of their shopping centre to conduct a community desk and JP desk, terminating approximately two to three years ago; and Cr Barnes has close friends who live within 120 metres of the development – and will therefore leave the meeting while the item is discussed and voted on.



Minutes

30 June 2020

Item Number:

C5

File Number:

Part:

COUNCILLORS

Subject:

Declaration of Conflict/Material Personal Interests - Cr VJ Habermann

Pursuant to section 175E of the *Local Government Act 2009* Cr VJ Habermann declared a perceived conflict of interest in item O1 of today's agenda as he is a member of another Rotary Club – but wished to stay and vote on the matter.

Resolution

The remaining Councillors determined that Cr VJ Habermann does not have a conflict of interest in item O1 of today's agenda as there is no conflict between the Councillors personal interest and the public interest – and therefore can stay and vote on the matter.



Minutes

30 June 2020

Item Number: F1	File Number: .	Part: FINANCE
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Portfolio:

Organisational Services

Subject:

Financial Summary as at 29 May 2020

2546

Resolution

Cr SA Cooper presented the report; and moved:-

That the Financial Summary as at 29 May 2020 be noted by Council.

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number:	File Number:	Part:
G1	.	GOVERNANCE

Portfolio:

Organisational Services

Subject:

Council Policy Review

2547

Resolution

Cr SA Cooper presented the report; and moved:-

That Council:

1. Rescind the following policies:

- Alcohol and Drug Policy, version 1;
- Arts & Cultural Services Fundraising and Sponsorship Policy, version 1;
- Asset Management Policy, version 1;
- Burial on Private Property Policy, version 1;
- Cemetery Management Policy, version 1;
- Commemorative Plaques and Memorials Policy, version 1;
- Community Grants Policy, version 1.2;
- Community Housing Rent Policy, version 1;
- Competitive Neutrality Complaints Policy, version 1;
- Eat Safe Bundaberg Region Policy, version 1;
- Entertainment and Hospitality Policy, version 1;
- Environmental Policy, version 1;
- Equal Employment Opportunity Policy, version 1;
- Exhibitions Policy, version 1;
- Internal Audit Policy, version 1;
- Moncrieff Entertainment Centre Community Access Scheme, version 1;
- Non-Current Asset Recognition Policy, version 1;
- Recordkeeping Policy, version 2;
- Related Party Disclosures Policy, version 1;

- **Trade Waste Policy, version 1; and**
- **Water Leak Relief Policy, version 1.**

2. Adopt the following policies:

- **Alcohol and Drug Policy, version 2;**
- **Arts & Cultural Services Fundraising and Sponsorship Policy, version 2;**
- **Asset Management Policy, version 2;**
- **Burial on Private Property Policy, version 2;**
- **Cemetery Management Policy, version 2;**
- **Commemorative Plaques and Memorials Policy, version 2;**
- **Community Grants Policy, version 2;**
- **Eat Safe Bundaberg Region Policy, version 2;**
- **Environmental Policy, version 2;**
- **Exhibitions Policy, version 2;**
- **Internal Audit Policy, version 2;**
- **Recordkeeping Policy, version 3 and**
- **Water Leak Relief Policy, version 2.**

3. Endorse the following policies:

- **Community Housing Rent Policy, version 1;**
- **Competitive Neutrality Complaints Policy, version 1;**
- **Entertainment and Hospitality Policy, version 1;**
- **Equal Employment Opportunity Policy, version 1;**
- **Non-Current Asset Recognition Policy, version 1;**
- **Related Party Disclosures Policy, version 1; and**
- **Trade Waste Policy, version 1.**

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number: J1	File Number: .	Part: WATER & WASTEWATER
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Portfolio:

Infrastructure Services

Subject:

Fast-track Plumbing - Opt Out

2548

Resolution

Cr JP Bartels presented the report; and moved:-

That, pursuant to section 40 of the *Plumbing and Drainage Regulation 2019*, Council declare not to deal with any applications relating to permits for work to be carried out as fast-track applications.

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number:	File Number:	Part:
L1	522.2019.129.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

Material Change of Use for Rooming Accommodation and Short Term Accommodation - Morgan Way and Georgia Terrace, Kalkie

2549

Resolution

Cr JM Dempsey moved:-

That the Development Application 522.2019.129.1 detailed below be decided as follows:

1. Location details

Street address: Morgan Way and Georgia Terrace, Kalkie
 Real property description: Lot 99 on SP265725 and Lot 100 on SP279722
 Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Material Change of Use (Rooming Accommodation & Short Term Accommodation)

3. Decision

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material Change of Use				
Site and Locality Plan (as amended)	John Gatley Building Designs	15/05/20	8975-01	G
Floor Plan (2 Bed)	John Gatley Building Designs	15/05/20	8975-02	G
Front and Side Elevation (2 Bed)	John Gatley Building Designs	15/05/20	8975-03	G
Side and Rear Elevation (2 Bed)	John Gatley Building Designs	15/05/20	8975-04	G
Floor Plan (2x3 Bed)	John Gatley Building Designs	15/05/20	8975-05	G
Front and Side Elevation (2x3 Bed)	John Gatley Building Designs	15/05/20	8975-06	G
Side and Rear Elevation (2x3 Bed)	John Gatley Building Designs	15/05/20	8975-07	G
Floor and Elevations (3x3 bed)	John Gatley Building Designs	15/05/20	8975-08	G

5. Conditions

This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

6. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work
- All Plumbing and Drainage Work
- All Operational Work

7. Properly made submissions

Properly made submissions were received from the following principal submitters:

Name of principal submitter		Residential or Business Address	Electronic Address
First Name	Surname		
Giovanni	Santalucia	301 Goodwood Road, Bundaberg, QLD 4670	
	C Jurriaans & L Jealous	C/- Angelo Oliaro Town Planning, Hervey Bay QLD 4655	aoliaro@bigpond.net.au
Doreen	Blainey	2/1 Alison Drive, Kalkie QLD 4670	theoldfossils@hotmail.com
Bernadette	Spink	16B Georgia Terrace, Kalkie QLD 4670	bnspink@gmail.com
Mark	Jenney	8 Mandi Court, Kalkie QLD 4670	mark.jenney@gmail.com
Gillian	Jenney	8 Mandi Court, Kalkie QLD 4670	gillian.jenney@gmail.com
Gail	Daniels	18 Zac Street, Kalkie QLD 4670	gdaniels61@outlook.com
Forbes	Ben	2/24 Morgan Way, Kalkie QLD 4670	benforbes51@yahoo.com.au
Melanie	Reeves	15 Morrison Street, Kalkie QLD 4670	yenseina@dodo.com.au
C J	Toomey	9 Morrison Street, Bundaberg East QLD 4670	toomeycj9@optusnet.com.au
W F	Toomey	9 Morrison Street, Bundaberg East QLD 4670	toomeycj9@optusnet.com.au
G	Stedman	13A Zac Street, Kalkie QLD 4670	stedmang@bigpond.com
R	Driver	19 Morrison Street, Bundaberg East QLD 4670	rndriver@yahoo.com
J	Wentriro	2 Zac Street, Kalkie QLD 4670	jessewentriro200@gmail.com
Tanya	Jiggins	9/46 Jealous Road, Bundaberg East QLD 4670	
Cameron	Puckering	22 Morgan Way, Kalkie QLD 4670	cameronpuckering@gmail.com
Andrew	Hoogstraten	20 Morgan Way, Kalkie QLD 4670,	andrew_hoogs89@outlook.com
Tony	McDuff	11 Zac Street, Kalkie QLD 4670	tonymcduff6@gmail.com

J and A	Gorlick	46 Maike Street, Kalkie QLD 4670	jgorlick28@gmail.com
Kristy-Lee	Roberts	11 Morgan Way, Kalkie QLD 4670,	kristyleeroberts@me.com
Louise	Jealous	4 McGills Road, Kalkie QLD 4670	louisejealous@gmail.com
Chris	Pratt	50 Maike Street, Kalkie QLD 4670	chrisandnoeleen@aapt.net.au
	J Fryer & W Gough	2/13 Alison Drive, Kalkie QLD 4670	fryer.jacqueline@gmail.com & williamashtongough@gmail.com
Kat	Goretic	10A Alison Drive, Kalkie QLD 4670	katgoretic@gmail.com
Vashti	Scott	16A Alison Drive, Kalkie QLD 4670	vashti.scott@yahoo.com.au
Kristy	Stewart	16B Alison Drive, Kalkie QLD 4670	kristystewart1@gmail.com
Alan and Sue	Hagenson	33 Toft Street, Millbank QLD 4670	achag0@bigpond.com
Ben	Rich	1/24 Morgan Way, Kalkie QLD 4670	achag0@bigpond.com
Raymond and Dorothy	McCullough	18 Morgan Way, Kalkie QLD 4670	No email
T and B	Fleming	16 Morgan Way, Kalkie QLD 4670	tracyfleming25@gmail.com
Erin	Stout	40 Maike Street, Kalkie QLD 4670	erin.stout@hotmail.com
Beau	Dick	52 Maike Street, Kalkie QLD 4670	beau.dick87@gmail.com
Nympha	Gamutan	8 Morgan Way, Kalkie QLD 4670	nymsgamut@yahoo.com.ph
Matt	Roberts	11 Morgan Way, Kalkie QLD 4670	mattdmroberts@icloud.com
Bryn	Fehr	17b Alison Drive, Kalkie QLD 4670	brynfehr1@gmail.com
Thomas	Wedemeyer	1/16 Georgia Terrace, Kalkie QLD 4670	wedemeyertomas@gmail.com
Meredith	Preston	1/12 Alison Drive, Kalkie QLD 4670	
Stphanie	Walther	1/16 Georgia Terrace, Kalkie QLD 4670	stephanie-000@outlook.com
Dion	Turner	12 Zac Street, Kalkie QLD 4670	
Sandra	Perkins	48 Maike Street, Kalkie QLD 4670	sandra_perkins69@hotmail.com

Ganga	Ale	6 Zac Street, Kalkie QLD 4670	ganga.ale21@gmail.com
Cornelius	Jurriaans	4 McGills Road, Bundaberg QLD 4670	cornelius.jurriaans@gmail.com

8. Referral agencies for the application

Not applicable

9. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

10. Agreements under Section 49(4)(b) or 66(2)(b) or (c) of the Planning Act 2016

There are no agreements about these matters.

11. Conditions about infrastructure

The following conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*:

Condition/s	Provision under which the condition was imposed
28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 41	Section 145 – Non-trunk Infrastructure
N/A	Section 128 – Trunk Infrastructure

12. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see Schedule 1 of the *Planning Act 2016*.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the *Planning Act 2016*.

Schedule 2 is an extract from the *Planning Act 2016* that sets down the applicant’s appeal rights and the appeal rights of a submitter.

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

NO.	CONDITION	TIMING
GENERAL		
1.	Comply with all conditions of this development approval and maintain compliance whilst the use continues.	At all times unless otherwise stated
2.	Where there is any conflict between the conditions of this Development approval and details shown on the Approved plans, the conditions prevail.	At all times
3.	The full cost of all work and any other requirements associated with this development must be met by the developer, unless specified in a particular condition or Infrastructure agreement.	At all times
APPROVED PLANS		
4.	Submit to and have approved by the Assessment Manager amended plans which incorporate the following: <ol style="list-style-type: none"> a. The removal of 2 units along the northern boundary (units identified 16 -28); b. With the removal of units in accordance with condition 4.a., evenly space remaining 12 units with the most western unit being located a minimum distance of 15 metres from Lot 31 on SP 240533. c. The additional space to the west must be included as communal open space surrounding the BBQ Shelter and act as an increased buffer from the adjoining rural land. Once approved, the amended plans will form part of the Approved plans.	Prior to the submission of an Operational work or Building Work application, or commencement of work, whichever comes first

5.	Ensure a legible copy of each relevant Development approval, including Approved drawings, is made available on site at all times during construction.	During construction
USE SPECIFIC		
6.	Ensure the development is limited to Rooming Accommodation (Student accommodation) and Short-Term Accommodation (Workers Accommodation) within the nominated units identified on the approved site plan. Each unit is restricted to a maximum of 6 occupants.	At all times
7.	Where habitable room windows look directly at habitable room windows in an adjacent unit within 3m at the ground floor. Privacy is protected by: <ul style="list-style-type: none"> a. window sill heights must be a minimum of 1.5m above floor level; or b. fixed opaque glazing must be applied to any part of a window below 1.5m above floor level; or c. fixed external screens; or d. provision of a 1.8m high solid screen fence. 	Prior to the commencement of the use and then to be maintained
8.	Provide and maintain a solid screen fence with a minimum height of 1.8 metres along the full extent of the eastern and northern side boundaries. The erection of a second boundary fence parallel to any existing fence is prohibited. All fencing costs, including removal of existing fencing, is to be borne by the developer.	Prior to the commencement of the use and then to be maintained
9.	Any fence or wall provided along the western frontage to the future road (Georgia Terrace) and the southern boundary, must not exceed a height of: <ul style="list-style-type: none"> a. 1.8 m if 50% transparent; or b. 1.2 m if solid Additionally, any solid screen fence or wall greater than 1.2m in height provided along a street frontage (or other public space) is set behind a landscape strip or articulated by recesses to allow for vegetation screening.	Prior to the commencement of the use and then to be maintained
10.	Provide one (1) letter box for each dwelling unit plus one (1) letter box for the use of the body corporate or management. All letter boxes must form an integral part to the building / landscape design and must be located on the primary road frontage.	Prior to the commencement of the use and then to be maintained
11.	All clothes drying facilities must be fully screened from view at the front property boundary and adjoining properties.	Prior to the commencement of the use and then to be maintained

AMENITY		
LIGHTING		
12.	Design and install all external lighting in accordance with <i>AS4282 – Control of the obtrusive effects of outdoor lighting</i> so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.	Prior to the commencement of the use and then to be maintained
USE OF OPEN SPACE OF AREAS		
13.	The barbeque shelter and communal open space areas are not to be used in a manner that creates offsite amenity impacts to neighbouring properties and are not to be used between the hours of 10.00 pm and 6.00 am.	
SCREENING OF PLANT AND SERVICES		
14.	Install and maintain suitable screening to all air conditioning, lift motor rooms, plant, service facilities, or similar equipment located on the rooftop or to an external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the building façade or as an architectural feature of and visually consistent with the profile of the building.	Prior to the commencement of the use and then to be maintained
LANDSCAPING		
15.	<p>Prepare and submit for approval to the Assessment Manager a landscape plan. The plan must be prepared in accordance with the applicable Planning scheme codes, the planning scheme policy for development works, and the conditions of this approval.</p> <p>The plan is to include, but not be limited to the following:</p> <ol style="list-style-type: none"> a. the area set aside for landscaping b. location and name of existing trees c. a plan and schedule of all species which identifies: <ol style="list-style-type: none"> i. the location and sizes at planting and at maturity ii. the botanical and common names iii. the location of all areas to be covered by turf or other surface materials including pavement d. measures to ensure that the landscaping will be retained and managed to allow growth to maturity e. details of any landscape structures, including entrance statements f. details of cutting and filling and all retaining structures, fences and associated finishes g. contours or spot levels if appropriate h. fences size and materials 	Prior to the site work commencing and at all times during construction and then to be maintained

	<ul style="list-style-type: none"> i. inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved testable backflow prevention device j. location of any overhead or underground services that traverse the site e.g. drainage, sewerage, electricity k. property boundary garden/landscape bed edge walls to be provided with sleeper or equivalent retaining walls to contain the garden material within the site. Such walls must be constructed to a height that is at or above the adjacent kerb l. provide shade trees in car parking areas at a minimum ratio of one (1) tree for every six (6) parking spaces m. particular attention to providing enhanced landscaping along the northern boundary of the site must be provided. <p>All landscaping must be carried out in accordance with an approved Landscaping plan.</p> <p>Note: <i>Submission of the landscape plan must form part of an Operational works application.</i></p>	
WASTE MANAGEMENT		
16.	Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance.	At all times
17.	Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.	At all times
AGRICULTURAL BUFFERS		
18.	<p>Establish a vegetated agricultural buffer over the land area identified as buffer area on the approved site plan on the subject site. The buffer must:</p> <ul style="list-style-type: none"> a. have a minimum width of 20 m b. contain random plantings of a variety of tree and shrub species of differing growth habits at spacings of 4-5 m for a minimum width of 10 m, on the western side of the Georgia Terrace extension c. include species with long, thin, and rough foliage which facilitates the more efficient capture of spray droplets d. provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (approximately 50% of the screen should be air space) e. foliage is from the base to the crown f. include species which are fast growing and hardy 	Prior to the commencement of the use and then to be maintained until the adjoining land is utilised for urban purposes

	<p>g. have a mature tree height 1.5 times the spray release height or target vegetation height of the adjacent agricultural activity, whichever is higher</p> <p>h. have mature height and width dimensions which do not detrimentally impact upon adjacent agricultural activity</p> <p>i. include an area of at least 5 m clear of vegetation (excluding grass) or flammable material to either side of the vegetated area.</p>	
OPERATIONAL WORK ASSOCIATED WITH THE MCU		
19.	<p>Ensure all Operational work that is Accepted development complies with the nominated assessment benchmarks or a Development application for Operational work is submitted to and approved by Council.</p> <p>Note: <i>Where Accepted development does not comply with a nominated requirement for accepted development, a Development application for Operational work must be submitted to Council.</i></p>	Prior to the commencement of work
20.	<p>Provide certification from a Registered Professional Engineer of Queensland (RPEQ) that any operational work that is Accepted development has been designed and constructed in accordance with the conditions of this Development approval and any other relevant approval issued by Council.</p> <p>Note: <i>Council does not require the submission of an Operational works development application for work that is nominated as Accepted development where the works comply with the nominated requirements for Accepted development and are certified by a RPEQ.</i></p>	Prior to the commencement of the use
21.	<p>Ensure all assessable Operational Work (in this instance –extension of Georgia Terrace) is carried out in accordance with a valid Operational Work approval.</p>	Prior to the commencement of work
CONSTRUCTION MANAGEMENT		
22.	<p>Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from work is made:</p> <p>a. on a business day or Saturday, before 6.30 am or after 6.30 pm</p> <p>b. on any other day, at any time.</p>	At all times during construction
23.	<p>Contain all litter, building waste, and sediment on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or public spaces.</p>	At all times during construction
24.	<p>Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction.</p>	At all times during construction

EARTHWORKS		
25.	Carry out all earthworks in accordance with the approved plans, the applicable Planning scheme codes, and the Planning scheme policy for development works. Note: <i>Earthworks that comply with the applicable requirements for accepted development do not require the submission of an operational work development application. Where the applicable requirements for accepted development are not met, an operational work development application must be submitted to the Assessment Manager.</i>	At all times
26.	Provide to the Assessment Manager certification from a Registered Professional Engineer of Queensland (RPEQ) that the Earthworks have been designed and constructed in accordance with the conditions of this Development approval and any other relevant approval issued by the Assessment Manager.	Prior to the commencement of the use
EROSION AND SEDIMENT CONTROL		
27.	Prepare and implement an Erosion and sediment control (ESC) management plan for the site in accordance with the Environment Protection Agency's (EPA – Guideline – <i>EPA Best Practice Urban Stormwater Management – Erosion and Sediment Control</i> and International Erosion Control Association's (IECA) – <i>Best Practice Erosion and Sediment Control</i> , and the <i>Queensland Urban Drainage Manual (QUDM)</i> .	Prior to site work commencing and at all times during construction
28.	Implement and maintain the Erosion and sediment control (ESC) management plan on-site for the duration of the operational and/or building works, and until all exposed soil areas are permanently stabilised (e.g. turfed, hydro-mulched, concrete, landscaped).	Prior to site work commencing and at all times during construction
STORMWATER		
29.	Carry out all stormwater drainage work in accordance with Cozens Regan Group site-based stormwater management plan dated May 2019 with amendments to the satisfaction of an RPEQ qualified engineer to be consistent with the approved plans in this decision notice. Details to be determined as part of the operational work assessment.	Prior to the commencement of the use and then to be maintained
30.	The external catchment bypass drain (Cozens Regan drawing 14078 Sk2 P1 dated 05/19) must be amended to cast a new chamber with a surcharge grate over the existing low flow pipe (Council reference DP.13765) or connect to an existing chamber (Council reference	Prior to the commencement of the use and then to be maintained

	DPT.12270) instead of a discharge headwall onto a grassed surface.	
31.	The east treatment area outlet (Cozens Regan drawing 14078 Sk2 P1 dated 05/19) must be amended to connect to Council's existing stormwater structure (Council reference DPT.12268) instead of a discharge headwall onto a grassed surface.	Prior to the commencement of the use and then to be maintained
32.	The west treatment area outlet (Cozens Regan drawing 14078 Sk2 P1 dated 05/19) must be amended to connect to Council's existing stormwater structure (Council reference CUL.00011) instead of a discharge headwall onto a grassed surface and enter into appropriate arrangements for private work within a Council road so that infrastructure linking the east portion contributing catchment to the west portion treatment device. Or Move the west stormwater treatment to the area behind proposed units 6, 7 & 8 discharging to the existing adjacent headwall.	Prior to the commencement of the use and then to be maintained
33.	Provide for piped minor and overland major design storm events contributing to the Georgia Terrace extension from the identified 1.375ha upstream catchment less that allowed for in the piped inter-allotment drainage bypass.	Prior to the commencement of the use and then to be maintained
WATER		
34.	Provide a metered water service, and internal infrastructure as required, to satisfy the firefighting and water supply demands of the development. Note: <i>Water infrastructure must be designed by an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including firefighting requirements in accordance with AS2419 – Fire hydrant installation.</i>	Prior to the commencement of the use and then to be maintained
35.	Extend the water main in Georgia Terrace to the same extent as the new road construction. Water supply must be taken from the extension of Georgia Terrace and not from the stub in Morgan Way unless it is shown via hydraulic modelling that a second connection is required for capacity to supply the development. Note: If the stub at Morgan Way is not needed, Council may disconnect the section of otherwise stagnant main past the tee junction in front of lot 42 on SP265725 (21 Morgan Way).	Prior to the commencement of the use and then to be maintained
SEWERAGE		
36.	Provide point/s of connection to service the sewerage demands of the development.	Prior to the commencement of the use

	<p>Note: There are 150 mm stubs in the chambers near the cul-de-sacs of Morgan Way and Georgia Terrace. Connection to either or both if necessary due to grade would be suitable but will need to be converted from 150 mm sewerage stub/s to 100 mm point/s of connection.</p>	
<p>ROADWORKS, ACCESS, AND CAR PARKING</p>		
<p>37.</p>	<p>Design and construct the site access and driveways in accordance with the approved plans, applicable planning scheme codes, the planning scheme policy for development work and the following specific amendments:</p> <ul style="list-style-type: none"> a. Reconstruct the existing Georgia Terrace cul-de-sac to allow for the continuation of straight kerb along the east side through to the entrance gate north west of unit 1 b. Reconstruct the existing Georgia Terrace cul-de-sac to allow for the introduction of straight kerb along the west side through to opposite the entrance gate north west of unit 1 c. Construct the extension of Georgia Terrace in line with existing kerb line through to the area nominated as 'future road connection' in accordance with Access Street typical section – BRC standard drawing R2004A ie 7 metres within an 18 metre corridor. d. Construct a sealed temporary turnaround minimum 20m diameter in the northern portion of the area nominated as 'future road connection' e. Provide access to the entrance gate northwest of unit 1 in accordance with Council's standard drawing R1011 Industrial and Commercial Driveway Slab Two Way Access f. Widen the future road alignment from 15m to 18m and narrow the buffer area allocation from 24.952m to 21.952 m g. Specific details for the above amendments to be determined as part of the required code assessment operational work h. Extend the existing footpath in Georgia Terrace to connect to the entry/access point of the development. i. Install appropriate signage and line marking to prevent the parking of vehicles within Morgan Way and Georgia Terrace for the full frontage of the development land. 	<p>Prior to the commencement of the use and then to be maintained</p>
<p>38.</p>	<p>Design and construct off-street car parking, access, and manoeuvring areas in accordance with the Approved plans, applicable Planning scheme codes, and the Planning scheme policy for development work.</p>	<p>Prior to the commencement of use and then</p>

	<p>Car parking, access, and manoeuvring areas must:</p> <ol style="list-style-type: none"> a. provide a minimum of 51 visitor parking spaces and garages in each unit b. be designed and constructed in accordance with AS2890 Parking facilities – off-street car parking c. provide parking spaces for people with a disability in accordance with the Building Code of Australia and AS2890.6 Off-street parking for people with disabilities d. provide on-site loading, unloading, and manoeuvring for all necessary service vehicles e. allow all design vehicles to enter and exit the site in a forward gear f. be constructed and sealed with concrete, pavers or asphalt g. be signed and delineated in accordance with the Queensland manual of uniform traffic control devices h. allow for the provision of fill and/or boundary retaining walls and the containment and management of site stormwater drainage i. be drained to a legal point of discharge <p><i>Note: Where there is any conflict between the Approved plans and the Planning Scheme provisions, the Approved plans prevail.</i></p>	<p>to be maintained</p>
<p>39.</p>	<p>A minimum of one (1) mini bus is to be provided at all times in association with the operation of the use, to service the transport needs of occupants. The bus is to be accommodated on-site.</p>	
<p>LAND DEDICATION</p>		
<p>40.</p>	<p>Dedicate land shown on the Approved plans, plus 3m for a total of 18 m wide, over the extension of Georgia Terrace through to the north boundary as follows:</p> <ol style="list-style-type: none"> a. land identified as road reserve must be dedicated to the State as ‘New Road’ <p>The land to be dedicated is ‘non-trunk infrastructure for the purposes of the <i>Planning Act 2016</i>.</p>	<p>Prior to the commencement of the use</p>
<p>41.</p>	<p>The land area to be dedicated must be unencumbered by services such as pump stations, services easements or similar operational uses.</p>	<p>Prior to the commencement of the use</p>
<p>42.</p>	<p>Submit Transfer documents to the satisfaction of Council’s Chief Legal Officer and signed by the transferor such that when clear title is registered, Council can execute the transfer documents and lodge with titles to finalise the land transfer independent of the development survey plan.</p>	<p>Prior to the commencement of the use</p>

EASEMENTS		
43.	Lodge to the State (Titles office) for registration the following easements: a. Drainage easement over external catchment bypass drain (Cozens Regan drawing 14078 Sk2 P1 dated 05/19) between lot 31 on SP240533 (neighbouring land over north boundary) and lot 102 on SP279722 (drainage corridor along south boundary) b. Surrender benefit of access to easement A on RP170511 (easement along east side of land to the north) c. A public thoroughfare easement over the temporary turnaround area for Georgia Terrace that locates outside of the road reserve.	Prior to the commencement of the use
44.	Submit draft easement documentation to the Assessment Manager for endorsement.	Prior to the commencement of the use
45.	All works must be clear of any existing or proposed easements on the subject land, unless agreed in writing by the Grantee.	At all times
46.	Ensure that any easement and rights pertaining to the parcel of land associated with this approval are maintained unless otherwise stated on the approved plan(s) or the conditions of this approval. Proof of the registration or surrender of any easements is to be submitted to the Assessment Manager at the time of the submission of the Survey plan for endorsement.	Prior to the commencement of use
AMALGAMATION		
47.	Register a Plan of Survey with the State (Titles Office) that amalgamates all lots that form part of this development into a single lot.	Prior to the commencement of use

PART 1B – ADVICE NOTES

NO.	ADVICE	TIMING
INFRASTRUCTURE CHARGES		
1.	Infrastructure charges notice (331.2020.1189.1) applicable to the development is attached to this Development approval.	At all times
SUBMISSION OF AMENDED PLANS FOR APPROVAL		
2.	The conditions of this Decision notice require submission of amended plan to the Assessment Manager. Address the amended documents to the Assessment Manager and reference 522.2019.129.1. To avoid delays and assessment issues with the Operational works application, it is	Prior to the commencement of the use and then to be maintained

	recommended the amended documents be submitted prior to lodgement of any Operational works application.	
GENERAL AMENITY		
3.	Ensure the development does not cause environmental nuisance or environmental harm as per the <i>Environmental Protection Act 1994</i> .	At all times
WATER CONNECTIONS		
4.	<p>Connection to Council's water infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.</p> <p>Council permits only one water service for each property. This means only one connection to the water main although there may be a potable and fire service feeding from that connection.</p> <p>Arrangements for the installation of any new metered service and sub-meters, or removal of an existing service, must be made with Council's Water and Wastewater Infrastructure Planning Technical Support Section.</p>	Prior to the commencement of the use
SEWERAGE		
5.	<p>Connection to sewer infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.</p> <p>No plumbing and drainage works are to commence prior to the issuing of the Plumbing and Drainage Approval by the Council.</p>	Prior to the commencement of the use
FENCES		
6.	Should any existing fence not comply with the requirements of this approval, the existing fence must be replaced in accordance with the requirements of this approval at the Developer's expense.	Prior to the commencement of the use and then to be maintained
7.	Fencing should be undertaken in accordance with the provisions of this approval and the <i>Neighbourhood Disputes (Dividing Fences and trees) Act 2011</i> . This includes appropriate mediation practices and agreements regarding the type of materials. Where a conflict exists between this approval and the Act, the approval prevails.	Prior to the commencement of the use and then to be maintained

ABORIGINAL CULTURAL HERITAGE		
8.	All development should proceed in accordance with the Duty of care guidelines under the <i>Aboriginal Cultural Heritage Act 2003</i> . Penalties may apply where duty of care under that act has been breached.	At all times

PART 1C – PROPERTY NOTES

AGRICULTURAL BUFFER		
9.	<p>Development approval 522.2020.129.1 – Agricultural buffer</p> <p>The following notation applies to the use:</p> <p>An agricultural buffer has been established on this property to help mitigate any impacts (eg spray drift, noise etc.) from current and future agricultural activities located nearby. The owner is responsible for the maintenance of the agricultural buffer as shown on the Approved plans and the terms of the Agricultural buffer covenant registered over the property.</p>	Until the adjoining land is utilised for urban purposes

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number:	File Number:	Part:
L2	522.2020.185.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

Material Change of Use for Hotel (Tavern) & Shop (Bottle Shop) - 699 and 707 Bargara Road, Bargara

Cr Barnes left the meeting, the time being 10.18 am.

2550

Resolution

Cr JM Dempsey moved:-

That the Development Application 522.2020.185.1 detailed below be decided as follows:

1. Location details

Street address: 699 and 707 Bargara Road, Bargara

Real property description: Lot 22 on SP111853 and Lot 7 on RP106364

Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Material Change of Use for Hotel (Tavern) & Shop (Bottle Shop)

3. Decision

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/ issue
Aspect of development: All				
Development Summary	CPO Architects	-	DA-001	8
Existing/Demolition Plan	CPO Architects	-	DA-060	8
Site Plan – Proposal	CPO Architects	-	DA-090	10
Ground Floor – Tavern	CPO Architects	-	DA-100	9
Roof Plan – Tavern	CPO Architects	-	DA-101	9
Ground Floor – Bottleshop	CPO Architects	-	DA-110	8
Roof Plan – Bottleshop	CPO Architects	-	DA-111	8
Elevation – Tavern	CPO Architects	-	DA-300	8
Elevation – Tavern	CPO Architects	-	DA-301	8
Elevation – Bottleshop	CPO Architects	-	DA-302	7
Elevation – Tavern	CPO Architects	-	DA-303	7
3D Views	CPO Architects	-	DA-350	8
Sections – Tavern	CPO Architects	-	DA-400	8
Sections – Bottleshop	CPO Architects	-	DA-401	7
External Features	CPO Architects	-	DA-501	4

5. Conditions

This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

6. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work
- All Plumbing and Drainage Work

7. Properly made submissions

Not applicable — No part of the application required public notification.

8. Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p>State-controlled road</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1</p> <p><i>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</i></p> <p>(a) <i>are within 25m of a State transport corridor; or</i></p> <p>(b) <i>are a future State transport corridor; or</i></p> <p>(c) <i>are—</i></p> <p style="padding-left: 20px;"><i>(i) adjacent to a road that intersects with a State-controlled road; and</i></p> <p style="padding-left: 20px;"><i>(ii) within 100m of the intersection</i></p>	<p>Department of State Development, Manufacturing, Infrastructure and Planning</p>	<p>Concurrence Agency</p>	<p>State Assessment and Referral Agency (SARA)</p> <p>E: WBBSARA@dilgp.qld.gov.au</p> <p>P: PO Box 979</p> <p>Bundaberg Qld 4670</p>

9. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

10. Agreements under Section 49(4)(b) or 66(2)(b) or (c) of the Planning Act 2016

There are no agreements about these matters.

11. Conditions about infrastructure

The following conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*:

Condition/s	Provision under which the condition was imposed
33	Section 145 – Non-trunk Infrastructure
N/A	Section 128 – Trunk Infrastructure

12. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see Schedule 1 of the *Planning Act 2016*.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the *Planning Act 2016*.

Schedule 2 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

NO.	CONDITION	TIMING
GENERAL		
1.	Comply with all conditions of this development approval and maintain compliance whilst the use continues.	At all times unless otherwise stated
2.	Where there is any conflict between the conditions of this Development approval and details shown on the Approved plans, the conditions prevail.	At all times
3.	The full cost of all work and any other requirements associated with this development must be met by the developer, unless specified in a particular condition or Infrastructure agreement.	At all times
CONSTRUCTION MANAGEMENT		
4.	Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from building work is made: <ol style="list-style-type: none"> a. on a business day or Saturday, before 6.30 am or after 6.30 pm b. on any other day, at any time. 	At all times during construction
5.	Contain all litter, building waste, and sediment on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or public spaces.	At all times during construction
6.	Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction.	At all times during construction
ENVIRONMENTAL PROTECTION		
7.	Implement drainage, erosion and sediment control measures to ensure dirt and sediment remains on the construction site. Ensure erosion and sediment runoff does not contaminate stormwater at unacceptable levels.	At all times during construction
USE SPECIFIC		
8.	During operating hours, all parking, pedestrian areas, and entrances/exits must be well lit with vandal resistant lighting	Prior to the commencement of the

	and with intensities to satisfy the requirements of AS1158 – Public lighting code.	use and then to be maintained
9.	Prepare, submit and have approved by Council a patron management plan for implementation (once approved) to manage patron behaviour and noise outside the building after the hours of 10:00pm including, the provision of shuttle bus transportation for patrons.	Prior to the commencement of the use and then to be maintained
AMENITY		
HOURS OF OPERATION		
10.	Operating hours of the Hotel (Tavern) use are limited to 8.00 am to 1.00 am daily where supported by the recommendations of the revised acoustic assessment in Condition 17.	At all times
11.	Operating hours of the Shop use are limited to 8.00 am to 10.00 pm daily, where supported by the recommendations of the revised acoustic assessment in Condition 17.	
12.	Deliveries, loading/unloading activities, and refuse collection must be undertaken between the hours of 7.00 am to 8.00 pm, excluding Sunday.	At all times
LIGHTING		
13.	Design and install all external lighting in accordance with <i>AS4282 – Control of the obtrusive effects of outdoor lighting</i> so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.	Prior to the commencement of the use and then to be maintained
14.	Design and install all external lighting to be the most energy efficient, dark sky compliant (which prevents the light from escaping upward and direct light down and away from the foreshore) and amber lighting available in the National Electricity Market Load Tables for Unmetered Connection Points (AEMO 2015).	Prior to the commencement of the use and then to be maintained
SCREENING OF PLANT AND SERVICES		
15.	Install and maintain suitable screening to all air conditioning, lift motor rooms, plant, service facilities, or similar equipment located on the rooftop or to an external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the	Prior to the commencement of the use and

	building façade or as an architectural feature of and visually consistent with the profile of the building.	then to be maintained
NOISE		
16.	Noise levels from the use must achieve the acoustic environment and acoustic quality objectives for sensitive receiving environments set out in the Environment Protection (Noise) Policy 2008.	At all times
17.	Submit and have approved by the Assessment Manager a revised Acoustic report undertaken by an acoustic consultant incorporating the following: <ul style="list-style-type: none"> a. Recalculation of noise impacts once noise sources are determined; b. If noise limits are exceeded, include noise control measures to be installed to noise quality objectives are met. 	Prior to the commencement of the use and then to be maintained
18.	Submit to the Assessment Manager certification from a suitably qualified person confirming the recommendations of the approved Acoustic report have been complied with.	Prior to the commencement of the use
LANDSCAPING		
19.	Carry out all landscaping in accordance with the Landscape Concept Plan prepared by Jeremy Ferrier Landscape Architect (Drawing no 2019-134-SK01 and SK02)	Prior to the commencement of the use and then to be maintained
20.	Provide certification from a Landscape Architect or other suitably qualified person that the landscaping has been constructed and established in accordance with the conditions of this and any other relevant approval issued by the Assessment Manager. Note: <i>Council does not require the submission of an Operational works development application for landscaping that is nominated as Accepted development where the works comply with the nominated requirements for Accepted development.</i>	Prior to the commencement of the use and then to be maintained
WASTE MANAGEMENT		
21.	Provide an impervious bin storage area (bin enclosure) for the storage of refuse bins in accordance with the following:	Prior to the commencement of the use and

	<ul style="list-style-type: none"> a. designed so as to prevent the release of contaminants into the environment b. sufficiently sized to accommodate all refuse bins required by the Assessment Manager for the scale of the development c. screened from the road frontage or other public space, and adjoin properties by landscaping or constructed screening d. a suitable hose cock (with backflow prevention) and hoses must be provided at the bin storage area, and wash down to be drained to the sewer and fitted with an approved stormwater diversion valve arrangement e. must be maintained in a clean and sanitary manner 	then to be maintained
22.	Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance.	At all times
23.	Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.	At all times
OPERATIONAL WORK ASSOCIATED WITH THE MCU		
24.	<p>Ensure all Operational work that is Accepted development complies with the nominated assessment benchmarks or a Development application for Operational work is submitted to and approved by Council.</p> <p>Note: <i>Where Accepted development does not comply with a nominated requirement for accepted development, a Development application for Operational work must be submitted to Council.</i></p>	Prior to the commencement of work
25.	<p>Provide certification from a Registered Professional Engineer of Queensland (RPEQ) that any operational work that is Accepted development has been designed and constructed in accordance with the conditions of this Development approval and any other relevant approval issued by Council.</p> <p>Note: <i>Council does not require the submission of an Operational works development application for work that is nominated as Accepted development where the works comply with the nominated requirements for Accepted development and are certified by a RPEQ.</i></p>	Prior to the commencement of the use
EARTHWORKS		
26.	Carry out all earthworks in accordance with the approved plans, the applicable Planning scheme codes, and the Planning scheme policy for development works.	At all times

	<p>Note:</p> <p><i>Earthworks that comply with the applicable requirements for accepted development do not require the submission of an Operational works development application.</i></p> <p><i>Where the applicable requirements for accepted development are not met, an Operational works development application must be submitted to the Assessment Manager.</i></p>	
27.	Provide to the Assessment Manager certification from a Registered Professional Engineer of Queensland (RPEQ) that the Earthworks have been designed and constructed in accordance with the conditions of this Development approval and any other relevant approval issued by the Assessment Manager.	Prior to the commencement of the use
EROSION AND SEDIMENT CONTROL		
28.	Prepare and implement an Erosion and sediment control (ESC) management plan for the site in accordance with the Environment Protection Agency's (EPA – Guideline – <i>EPA Best Practice Urban Stormwater Management</i> – Erosion and Sediment Control and International Erosion Control Association's (IECA) – <i>Best Practice Erosion and Sediment Control</i> , and the <i>Queensland Urban Drainage Manual (QUDM)</i> .	Prior to site work commencing and at all times during construction
29.	Implement and maintain the Erosion and sediment control (ESC) management plan on-site for the duration of the operational and/or building works, and until all exposed soil areas are permanently stabilised (e.g. turfed, hydro-mulched, concrete, landscaped).	Prior to site work commencing and at all times during construction
STORMWATER		
30.	Carry out all stormwater drainage work in accordance with the <i>Stormwater Management Plan prepared by RMA Engineers, dated 3 March 2020 revision 3, Project Ref: 11823, the Stormwater Quality Improvement Maintenance Plan prepared by RMA Engineers, dated 12 December 2019 revision 0, Project Ref: 11823 and Response to Information Request Letter from Stockwell, dated 13 May 2020</i>	Prior to the commencement of the use and then to be maintained
WATER & SEWERAGE		
31.	Provide a metered water service, and internal infrastructure as required, to satisfy the firefighting and water supply demands of the development.	Prior to the commencement of the use and

	<p>Note:</p> <p><i>Water infrastructure must be designed by an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including firefighting requirements in accordance with AS2419 – Fire hydrant installation.</i></p>	then to be maintained
32.	<p>No new points of connection for the provision of sewer and water infrastructure to the development are required. The existing water and sewer connections for 699 and 700 Bargara Road, as noted in the <i>Engineering Assessment Report by RMA Engineers, dated 3 March 2020, project ref# 11823</i> are to be utilised for the proposed development.</p>	Prior to the commencement of the use
ROADWORKS, ACCESS, AND CAR PARKING		
33.	<p>Design and construct off-street car parking, access, and manoeuvring areas in accordance with the Approved plans, applicable Planning scheme codes, and the Planning scheme policy for development work.</p> <p>Car parking, access, and manoeuvring areas must:</p> <ol style="list-style-type: none"> a. provide a minimum of 403 parking spaces b. be designed and constructed in accordance with AS2890 Parking facilities – off-street car parking c. provide parking spaces for people with a disability in accordance with the Building Code of Australia and AS2890.6 Off-street parking for people with disabilities d. provide on-site loading, unloading, and manoeuvring for all necessary service vehicles, including 1 ambulance e. allow all design vehicles to enter and exit the site in a forward gear f. be constructed and sealed with concrete, pavers or asphalt g. be signed and delineated in accordance with the Queensland manual of uniform traffic control devices h. allow for the provision of fill and/or boundary retaining walls and the containment and management of site stormwater drainage i. be drained to a legal point of discharge <p>Note:</p> <p><i>Where there is any conflict between the Approved plans and the Planning Scheme provisions, the Approved plans prevail.</i></p>	Prior to the commencement of use and then to be maintained
34.	<p>Repair any damaged kerb and channel, footpath, or road (including removal of concrete slurry from footpath, roads, kerb and channel, and stormwater gullies and drainlines) and</p>	Prior to the commencement

	reinstate existing traffic signs and pavement markings that have been removed or damaged during any works carried out in association with the approved development.	ment of the use
35.	Ensure all existing and proposed utility services and connections (e.g. electricity, telecommunications, water, and sewerage) are wholly located within the site or within a suitable easement to the satisfaction of the Assessment Manager.	Prior to the commencement of the use
EASEMENTS		
36.	All works must be clear of any existing or proposed easements on the subject land, unless agreed in writing by the Grantee.	At all times
37.	Ensure that any easement and rights pertaining to the parcel of land associated with this approval are maintained unless otherwise stated on the approved plan(s) or the conditions of this approval. Proof of the registration or surrender of any easements is to be submitted to the Assessment Manager at the time of the submission of the Survey plan for endorsement.	Prior to the commencement of use
SERVICES AND STRUCTURES		
38.	<p>Submit to the Assessment Manager a certificate produced by an appropriately qualified Surveyor, which certifies that:</p> <ol style="list-style-type: none"> the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the <i>Building Act 1975</i>, unless otherwise agreed in writing by the Assessment Manager all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement all existing and propose utility services and connections (eg electricity, telecommunications, water, sewerage) are wholly located within the site or registered easement 	Prior to the commencement of the use

PART 1B – ADVICE NOTES

NO.	ADVICE	TIMING
INFRASTRUCTURE CHARGES		
1.	Infrastructure charges notice (331.2020.1177.1) applicable to the development is attached to this Development approval.	At all times
GENERAL AMENITY		
2.	Storage of flammable and /or combustible liquids must comply with the minor storage provisions of AS1940 – the storage and handling of flammable and combustible liquids.	At all times
ENVIRONMENTAL HARM		
3.	The <i>Environmental Protection Act 1994</i> states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil, or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property no connected with the use.	At all times
FOOD ACT REQUIREMENTS		
4.	All operators of the approved use will be required to comply with the <i>Food Act 2006</i> and Council's minimum requirements for food premises. All necessary approvals should be obtained from the Environment, regulatory, and public health section of Council.	Prior to the commencement of the use and then to be maintained

	Note: <i>For further information about these requirements please contact Council's Environmental health services section on 1300 883 699.</i>	
ABORIGINAL CULTURAL HERITAGE		
5.	All development should proceed in accordance with the Duty of care guidelines under the <i>Aboriginal Cultural Heritage Act 2003</i> . Penalties may apply where duty of care under that act has been breached.	At all times

PART 2—CONCURRENCE AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning, by letter dated 15 May 2020 (copy letter attached for information).

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.

Cr Barnes returned to the meeting, the time being 10.24 am.



Minutes

30 June 2020

Item Number:	File Number:	Part:
O1	.	COMMUNITY & CULTURAL SERVICES

Portfolio:

Community & Environment

Subject:

Request from Bundaberg East and Bundaberg West Rotary Clubs for an increase in the revenue split from the Annual Book Fair

2551

Resolution

Cr TM McPhee moved:-

That Council:

- 1. authorise the Chief Executive Officer to enter into a Deed of Assignment to reflect the change of Bundaberg East Rotary Club to the Bundaberg Central Rotary Club; and**
- 2. agree to the request to change the current revenue split in the present Deed of Agreement from 50/50 split to a 60/40 split in favour of Bundaberg Central Rotary Club; and**
- 3. authorise the Chief Executive Officer to enter into a Deed of Variation to reflect the change in revenue split.**

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number: O2	File Number: .	Part: COMMUNITY & CULTURAL SERVICES
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Portfolio:

Community & Environment

Subject:

Community Development Strategy 2020-2023

2552

Resolution

Cr TM McPhee presented the report; and moved:-

That the Community Development Strategy be adopted and released to the community as the Community Development Strategy 2020-2023.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number:	File Number:	Part:
O3	TEN/0968	COMMUNITY & CULTURAL SERVICES

Portfolio:

Community & Environment

Subject:

Sole Supplier Arrangement with Surf Lifesaving Queensland

2553

Resolution

Cr VJ Habermann presented the report; and moved:-

That:

- a) Council enter into an arrangement with Surf Lifesaving Queensland (ABN 27 360 485 381) for the provision of Lifeguard Services & Public Safety Initiatives, without first inviting written quotes pursuant to Section 235(a) of the *Local Government Regulation 2012*; and
- b) this arrangement be made to 30 June 2023.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number:	File Number:	Part:
S1	TEN09/47	TOURISM & REGIONAL GROWTH

Portfolio:

Community & Environment

Subject:

Bundaberg Regional Council and Bundaberg Tourism Partnership Agreement - 1 July 2020 to 30 June 2024

Cr McPhee left the meeting, the time being 10.32 am.

2554

Resolution

Cr JM Dempsey presented the Report; and moved:-

That:

- 1. Council enter into a Tourism Partnership Agreement with Bundaberg Region Limited for the provision of services as the regional tourism organisation (RTO) and for delivery of visitor services for the period between 1 July 2020 to 30 June 2024 for \$550,000 + \$50,000 (project specific contingency funding) each year (ex gst); and**
- 2. the Chief Executive Officer be authorised to sign the Tourism Partnership Agreement.**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.

Cr McPhee returned to the meeting, the time being 10.33 am

The Mayor advised at this stage, pursuant to Section 275 of the “Local Government Regulation 2012”, the meeting would be closed to the public to discuss the following 13 items which are considered confidential in accordance with Section 275.

Resolution

Cr JM Dempsey moved:-

That the meeting be closed to the public – and discussion on the following 13 items be held in Committee:

- T1 Deed of Variation - Material Recovery Facility - Management Deed**
- T2 Lease AK on SP123062 in Lot 35 on SP254546 - General Aviation Hangar - Routledge and Whalley as Trustees**
- T3 Lease CC on SP153323 in Lot 35 on SP254546 - General Aviation Hangar - Kilsby**
- T4 Lease - Isis Community Pre-School & Kindergarten Association Inc**
- T5 Lease - Bundaberg Croquet Club Inc**
- T6 Lease - 2 Maryborough Street, Bundaberg**
- T7 Sale - 20 Kinkuna Street, Woodgate (Lot 37 on SP205671)**
- T8 Sale - 22 Wallum Street, Woodgate (Lot 11 on SP205671)**
- T9 Sale - 4 Wallum Street, Woodgate (Lot 2 on SP205671)**
- T10 Sole Supplier Arrangement - Snap Send Solve**
- T11 Charges Resolution (No 1) 2020**
- T12 Proposed Development Industry Recovery Package**
- T13 100 Gig Bundaberg Initiative**

Seconded by Cr WR Trevor - and carried unanimously.

The meeting closed to the public 10.34 am.

Cr Honor left the meeting, the time being 10.40 am during discussion on items T11 and T12.

Cr Honor returned to the meeting, the time being 10.40 am.

Resolution

Cr JM Dempsey moved:-

That the meeting now be reopened to the public via livestream – the time being 10.41 am.

Seconded by Cr GR Barnes - and carried unanimously.



Minutes

30 June 2020

Item Number:	File Number:	Part:
T1	A1171828	CONFIDENTIAL

Portfolio:

Health & Environment Services

Subject:

Deed of Variation - Material Recovery Facility - Management Deed

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it. (Deed of variation)

2555

Resolution

Cr JM Dempsey moved:-

That:

- 1. Council agree to vary the Management Deed with Impact Community Services for operation of the Material Recovery Facility as follows:**
 - a. Reflect a 50/50 sharing of expenses for the processing and freight, and the revenue from sales with regard to Paper Commons; and**
 - b. The variation to take effect from 1 July 2020.**
- 2. the Chief Executive Officer be authorised to enter into a Deed of Variation to reflect the above.**

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number: T2	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Lease AK on SP123062 in Lot 35 on SP254546 - General Aviation Hangar - Routledge and Whalley as Trustees

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2556

Resolution

Cr JM Dempsey moved:-

That:

- 1. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a five-year Lease with one five-year option to Leslie Ivan Routledge, Gail Anne Routledge, Gregory Ray Whalley and Deborah Anne Whalley as Trustees for the Whalley Superannuation Fund for aviation hangar Lease AK on SP123062 in Lot 35 on SP254546 at Bundaberg Regional Airport.**

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number: T3	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Lease CC on SP153323 in Lot 35 on SP254546 - General Aviation Hangar - Kilsby

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2557**Resolution**

Cr JM Dempsey moved:-

That:

- 1. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a five-year Lease with one, five-year option to William Henry Geisel, Michael Kilsby and Julie Kilsby for aviation hangar Lease CC on SP153323 in Lot 35 on SP254546 at Bundaberg Regional Airport.**

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number: T4	File Number:	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Lease - Isis Community Pre-School & Kindergarten Association Inc

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2558**Resolution**

Cr JM Dempsey and moved:-

That:

1. Council apply the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012*; and
2. the Chief Executive Officer be authorised to enter into a 14 year lease to Isis Community Pre-School & Kindergarten Association Inc (ABN 84 092 113 596) for Lot 2 on SP217902 at 16 Pizzey Street, Childers.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number: T5	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Lease - Bundaberg Croquet Club Inc

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2559**Resolution**

Cr JM Dempsey moved:-

That:

1. Council apply the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012*; and
2. the Chief Executive Officer be authorised to enter into a 10-year lease to Bundaberg Croquet Club Inc for part of the land at Lot 122 on SP215484 at 29 Quay Street, Bundaberg West.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number: T6	File Number:	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Lease - 2 Maryborough Street, Bundaberg

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2560**Resolution**

Cr JM Dempsey moved:-

That Council:

- 1. accepts the Tenant's offer to terminate the lease earlier on the condition that the bond is to be retained by Council immediately. The termination date of the lease (including the removal of the Tenant's possessions) is 30 September 2020; and**
- 2. write off the unpaid rent in the amount of \$10,429.32 and any applicable interest.**

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number: T7	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Sale - 20 Kinkuna Street, Woodgate (Lot 37 on SP205671)

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2561**Resolution**

Cr JM Dempsey moved:-

That the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012 (Qld)* be applied to the disposal of Lot 37 on SP205671 and the Chief Executive Officer be authorised to enter into a Contract of Sale with the Buyer and attend to all items required to finalise the sale of the property.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number: T8	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Sale - 22 Wallum Street, Woodgate (Lot 11 on SP205671)

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2562**Resolution**

Cr JM Dempsey moved:-

That Council resolves that the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012* be applied to the disposal of Lot 11 on SP205671 and the Chief Executive Officer be authorised to enter into a Contract of Sale with the Buyer and attend to all items required to finalise the sale of the property.

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number: T9	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Sale - 4 Wallum Street, Woodgate (Lot 2 on SP205671)

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2563**Resolution**

Cr JM Dempsey moved:-

That Council resolves that the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012* be applied to the disposal of Lot 2 on SP205671 and the Chief Executive Officer be authorised to enter into a Contract of Sale with the Buyer and attend to all items required to finalise the sale of the property.

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number: T10	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Sole Supplier Arrangement - Snap Send Solve

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2564

Resolution

Cr JM Dempsey moved:-

That:

- a) Council enter into an arrangement with Snap Send Solve Pty Ltd for the provision of Snap Send Solve without first inviting written quotes pursuant to Section 235(a) of the *Local Government Regulations 2012*; and
- b) this arrangement be made for a period of three years (being 1+1+1 basis) commencing 1 August 2020 to 30 July 2023.

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number:	File Number:	Part:
T11	Nil	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Charges Resolution (No 1) 2020

Confidential Reason:

Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Cr Honor left the meeting, the time being 10.51 am.

2565**Resolution**

Cr JM Dempsey moved:-

That:

- a. **Bundaberg Regional Council Charges Resolution (No 1) 2020 is adopted by Council pursuant to Section 113 of the *Planning Act 2016*, to take effect on 1 July 2020.**
- b. **Bundaberg Regional Council Adopted Infrastructure Charges Resolution (No 1) 2018 is repealed and will cease to have effect on 1 July 2020.**
- c. **the Chief Executive Officer or his nominated delegate be authorised to enter into an infrastructure agreement that allows for the recalculation of an infrastructure charge levied prior to 1 July 2020 in accordance with the new Charges Resolution where that charge is unpaid but not overdue.**

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number:	File Number:	Part:
T12	.	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Proposed Development Industry Recovery Package

Confidential Reason:

Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

2566

Resolution

Cr JM Dempsey moved:-

That Council:

- a. **Adopt the Building Bundaberg Region 2020 Infrastructure Charges incentives scheme as outlined in the rules and regulation detailed in attachment 2 to this report.**
- b. **Agree to not charge the application fee for Extension Applications made pursuant to section 86 of the *Planning Act 2016* for any developments that are due to lapse during the 2020/21 financial year; and**
- c. **Agree to not apply the automatic increase provision to any unpaid infrastructure charges during the period of the 2020/21 financial year.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.

Cr Honor returned to the meeting, the time being 10.53 am.



Minutes

30 June 2020

Item Number: T13	File Number: A5171421	Part: CONFIDENTIAL
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Portfolio:

Executive Services

Subject:

100 Gig Bundaberg Initiative

Confidential Reason:

Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

2567

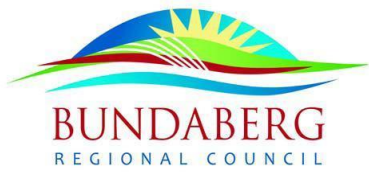
Resolution

Cr JM Dempsey moved:-

That Council authorise the Chief Executive Officer to execute a Memorandum of Understanding between Bundaberg Regional Council and QCN Fibre which acknowledges the mutual commitment and collaboration to leverage the QCN Fibre network in the Bundaberg Region.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

30 June 2020

Item Number: V1	File Number:	Part: Meeting Close
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Subject:

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 10.55 am.

Confirmed on 28 July 2020.

Mayor